

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 THOMAS J. GREENE  
Chief Assistant Attorney General  
3 KATHLEEN E. FOOTE  
Senior Assistant Attorney General  
4 State Bar No. 65819  
EMILIO VARANINI  
5 Deputy Attorney General  
State Bar No. 163952  
6 NICOLE GORDON  
Deputy Attorney General  
7 State Bar No. 224138  
455 Golden Gate Avenue, Suite 11000  
8 San Francisco, CA 94102-3664  
Telephone: (415) 703-5562  
9 Fax: (415) 703-5480  
Email: [emilio.varanini@doj.ca.gov](mailto:emilio.varanini@doj.ca.gov)

10 Liaison Counsel for Plaintiff States

11 ANDREW CUOMO  
Attorney General of the State of New York  
12 JAY L. HIMES  
[Jay.Himes@oag.state.ny.us](mailto:Jay.Himes@oag.state.ny.us)  
Bureau Chief, Antitrust Bureau  
13 RICHARD L. SCHWARTZ  
[Richard.Schwartz@oag.state.ny.us](mailto:Richard.Schwartz@oag.state.ny.us)  
14 JEREMY R. KASHA  
[Jeremy.Kasha@oag.state.ny.us](mailto:Jeremy.Kasha@oag.state.ny.us)  
15 Assistant Attorneys General  
Office of the New York Attorney General  
16 120 Broadway, 26th Floor  
New York, New York 10271-0332  
17 Telephone: (212) 416-8262  
18 Facsimile: (212) 416-6015

19 JAMES G. KREISSMAN (20674)  
20 HARRISON J. FRAHN IV (206822)  
ISABELLA A. YOUNG (246112)  
21 Simpson Thacher & Bartlett LLP  
2550 Hanover Street  
22 Palo Alto, California 94304  
Telephone: (650) 251-5000  
23 Facsimile: (650) 251-5002  
Email: [jkreissman@stblaw.com](mailto:jkreissman@stblaw.com)  
24 [hfrahn@stblaw.com](mailto:hfrahn@stblaw.com)  
[iyong@stblaw.com](mailto:iyoung@stblaw.com)

25 Counsel for Defendants Elpida Memory, Inc.  
26 and Elpida Memory (USA) Inc. and  
on behalf of Counsel for Hynix, Micron,  
27 NEC, Infineon, Mosel and Nanya Defendants  
28

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 In re DYNAMIC RANDOM ACCESS MEMORY  
5 (DRAM) ANTITRUST LITIGATION,

6 Plaintiffs,

7 This Document Relates to:

8 STATE OF CALIFORNIA, et al.,

9 Plaintiffs,

10 v.

11 INFINEON TECHNOLOGIES AG, et al.,

12 Defendants.

13 This Document Relates to:

14 STATE OF NEW YORK,

15 Plaintiff,

16 v.

17 MICRON TECHNOLOGY, INC., et al.,

18 Defendants.

Case No. <sup>M</sup>C-02-01486 PJH

[PROPOSED] ORDER RE  
SEPTEMBER 7, 2007  
HEARING

Case No. C-06-04333 PJH (JCS)

Case No. C-06-06436 PJH (JCS)

21 Pursuant to the Court's August 6, 2007 Order, a hearing and further discovery  
22 conference in the above-captioned matters was held on September 7, 2007. Emilio E. Varanini  
23 appeared on behalf of Plaintiff States, Charles Kagay of Spiegel Liao & Kagay LLP appeared on  
24 behalf of Plaintiff State of California, and Richard L. Schwartz appeared on behalf of Plaintiff State  
25 of New York. The following counsel appeared telephonically on behalf of Plaintiffs: Lizabeth  
26 Leeds (State of Florida), John Tennis (State of Maryland), Blake Harrop (State of Illinois), Jeremy  
27 Kasha (State of New York), Eli Friedman (State of Florida), Bart Dickinson (State of Arkansas), and  
28 Mary Freeley (Commonwealth of Massachusetts).

[PROPOSED] ORDER RE SEPTEMBER 7, 2007 HEARING

C-02-01486 PJH

1 Steven H. Bergman of O'Melveny & Myers LLP appeared on behalf of the Hynix  
2 defendants, G. Charles Nierlich of Gibson Dunn & Crutcher LLP appeared on behalf of the Micron  
3 defendants, Isabelle A. Young of Simpson Thacher & Bartlett LLP appeared on behalf of the Elpida  
4 defendants, David Brownstein of Heller Ehrman LLP appeared on behalf of the Mosel Vitelic  
5 defendants, Jonathan Swartz of Thelen Reid Brown Raysman & Steiner LLP on behalf of the NEC  
6 defendants, and Howard Ullman of Orrick Herrington & Sutcliffe LLP appeared on behalf of the  
7 Nanya defendants. The following counsel appeared telephonically on behalf of Defendants: Josh  
8 Stambaugh of Kaye Scholer LLP (Infineon) and Jane Chang of O'Melveny & Myers LLP (Hynix).

9 Having read the Joint Case Management Statement submitted by the parties on August 31,  
10 2007, having heard the arguments of counsel, and for the reasons stated on the record, the Court  
11 HEREBY ORDERS as follows:

12 **A. CONTENTION INTERROGATORIES**

13 1. Not later than October 19, 2007, the parties shall agree upon the timing of when  
14 Plaintiffs shall provide Defendants with substantive responses to the contention interrogatories and  
15 document requests.

16 **B. PLAINTIFFS' SURVEY**

17 1. Plaintiffs are ordered either to include as part of the survey the questions that  
18 Defendants suggested for inclusion in the survey, and which Plaintiffs previously agreed to include,  
19 or in the alternative, to provide interrogatory responses, document request responses, and documents  
20 relating to those questions. Plaintiffs' request for costs has been denied without prejudice to  
21 Plaintiffs making an application for costs at a later time. The Court takes no position on costs at this  
22 time.

23 2. Not later than October 1, 2007, Plaintiffs shall distribute on a rolling basis, the  
24 survey and/or related discovery requests (*see* Section B.1.) to the survey participants. Plaintiffs shall  
25 serve Defendants with a copy of the survey and any related discovery requests at or about the time  
26 that the survey and any related discovery requests are distributed to survey participants.

27 3. Not later than October 1, 2007, the parties shall meet-and-confer regarding the  
28 production of the master data sets used to select survey participants and Plaintiffs shall produce the  
29 agreed-upon master data sets to Defendants by such date.

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1           4.     **Not later than October 19, 2007**, the parties shall meet-and-confer about the  
2 production of the documents collected in the survey.

3           **C.     DEPOSITIONS**

4           1.     **Not later than September 14, 2007**, the parties shall agree on the identity of the  
5 twenty (20) initial 30(b)(6) Multistate Plaintiff deponents, as well as the dates and locations for when  
6 and where such depositions shall occur. However, to the extent that substitutions may need to be  
7 made for the Kentucky, Maryland and Pennsylvania deponents previously agreed to by the parties,  
8 the parties have until September 28, 2007 to agree on the substitutions as well as the dates and  
9 locations for such depositions. A 30(b)(6) deponent or deponents for the State of New York shall  
also be deposed.

10          2.     The State of Arkansas shall be responsible for the travel costs of a 30(b)(6) witness  
11 at the agreed-upon deposition location.

12           **D.     DISCOVERY CONFERENCE**

13           The Court will conduct a further discovery conference on **October 19, 2007, at 9:30 a.m.**  
14 The parties shall file a joint status report regarding such discovery, including all agreements reached  
15 during any meet-and-confer sessions and all issues remaining from such meet-and-confer sessions,  
16 **not later than October 12, 2007.**

17 IT IS SO ORDERED.

18  
19 Dated: September 17, 2007

